

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEPHEN DANIEL,

Plaintiff,

Case No. 07-13610

v.

MIDLAND CREDIT MANAGEMENT, INC.,
d/b/a Midland Funding NCC-2 Corp.,

Hon. John Corbett O'Meara

Defendant.

ORDER OF PARTIAL DISMISSAL

On August 28, 2007, Plaintiff filed a complaint in this action alleging violations of the Fair Debt Collection Practices Act and the Michigan Debt Collection Practices Act and Michigan Occupational Code. Plaintiff does not allege that diversity jurisdiction exists. Although Plaintiff's federal cause of action is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present a claim based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claim so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Plaintiff's claim under the Michigan Debt Collection Practices Act and Michigan Occupational Code is DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: October 12, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, October 12, 2007, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager